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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

Case No. 3:18-cr-00099-LRH-CLB

10 Plaintiff,

ORDER

11 v.

12 DAVID RAMON COVARRUBIAS,

13 Defendant.
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15 On March 1, 2021, the Court held a status conference on the above captioned case. During
16 this conference, the Court set a subsequent status conference on November 2, 2021, Calendar Call
17 on December 2, 2021, and trial to commence on December 13, 2021. However, the Court
18 inadvertently failed to articulate its reasoning and make specific findings on the record that the
19 ends of justice are served by this continuance and outweigh the best interest of the public and
20 Defendant in a speedy trial. Accordingly, the Government filed a motion for additional findings
21 pursuant to the Speedy Trial Act. ECF No. 160.

22 The Court has reviewed the record in this case and now makes clear that the ends of justice
23 are served by continuing the trial to December 2021 and this action outweighs the best interest of
24 the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The COVID 19 pandemic
25 has made jury trials almost impossible in this District. Due to the public health concern, the Court
26 held only one jury trial, the Defendant's October 2020 trial that resulted in a hung jury, between
27 March 2020 and February 2021. While the District Court has recently reopened jury trials, due to
28 the backlog of criminal cases, the District must prioritize defendants currently in custody. And to

1 ensure the safety of Court staff and members of the public selected to serve as jurors, only a select
2 number of trials may be held in the Courthouse at any given time.

3 While the community is slowly reopening and many are becoming vaccinated, given the
4 public health concerns, the Court still finds that this continuance greatly outweighs the best interest
5 of the public and the Defendant in a speedy trial. This trial will involve witnesses who must travel,
6 potentially putting themselves and others at risk. Continuing this trial to December 2021
7 necessarily prioritizes the public health and safety of the members of the community who will
8 serve as jurors in this case, the witnesses who will be called to testify, and all Court personnel and
9 staff, as well as the prosecution and the defense.

10 IT IS THEREFORE ORDERED that the Government's motion for additional findings
11 pursuant to the Speedy Trial Act (ECF No. 160) is **GRANTED**.

12 IT IS FURTHER ORDERED that because the ends of justice served by this continuance
13 outweigh the best interests of the public and Defendant in a speedy trial, the Court finds this
14 continuance is authorized under the Speedy Trial Act, and the time between the March 1, 2021
15 status conference and the next trial date are excludable under 18 U.S.C. § 3161(h)(7).

16 IT IS SO ORDERED.

17 DATED this 19th day of April, 2021.

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19 LARRY R. HICKS
20 UNITED STATES DISTRICT JUDGE
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